

REMARKS

By the present amendments, all claims are now limited to applicants' preferred embodiment wherein gum-based particles are mixed with raw materials of the urethane foam and then foamed.

These amendments serve to reduce the issues previously presented on appeal to two in number, i.e., the rejection under 35 USC 112, first paragraph, and the rejection of claim 28 for obviousness.

The Rejection Under 35 USC 112, First Paragraph

The examiner's argument is that those skilled in the art would not have known, from applicants' original specification, the units for the density ranges disclosed therein.

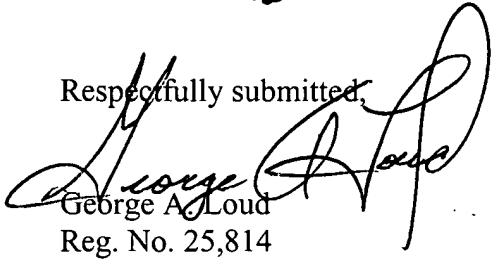
With the "Supplemental Response" filed August 13, 2002, the applicants submitted four English abstracts of Japanese publications in support of the proposition that density of resin foams is conventionally expressed in units of "g/cm³." The examiner has never disputed the proposition that the densities of resin foams are most commonly expressed in terms of "g/cm³." However, at page 7 of the office action the examiner refers to the discussion at pages 5 and 6 of applicants' Brief as evidence that "density may be defined by units such as g/cm³, g/dm³ or pounds per cubic feet." However, it is respectfully submitted that those skilled in the art would

appreciate that applicants' ranges cannot be g/dm³ or pounds per cubit foot because when densities of resin foams are expressed in these latter units the absolute values for such ranges are many orders of magnitude removed from densities which one skilled in the art would expect for a urethane foam. Compare, for example, the range of 50-150 taught by U.S. 4,134,610 in units of g/dm³ with the range of applicants' claim 28 of 0.05-0.5. Compare the range of 15-50 disclosed by U.S. 4,978,562 for density in terms of pounds per cubic feet with applicants' range of 0.05-0.5. Thus, given the absolute values of the range, possibilities other than the units of g/cm³ conventional used for density would be eliminated by those skilled in the art.

The Rejection of Claim 29 for Obviousness

In the Examiner's Answer of September 29, 2003, the examiner pointed to the teaching of the use of "vibration suppressing material, such as gum, sponge, or the like" in the English language abstract of JP '390 of record. The "gum" of JP '390 is disclosed as having an H-like shape and is merely inserted as a solid into the hollow pipe. There is no suggestion in JP '390 of foaming a urethane within hollow portions of a frame member. There is no suggestion in JP '390 of incorporating gum particles into a foam precursor of any type. Accordingly, it is respectfully submitted that JP '390, neither alone nor in combination with any other reference of record, establishes a *prima facie* case of obviousness with respect to claim 28.

Respectfully submitted,


George A. Loud
Reg. No. 25,814

Dated: December 23, 2003

LORUSSO, LOUD & KELLY
3137 Mount Vernon Avenue
Alexandria, VA 22305

(703) 739-9393